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98-IKU-837

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

SERIAL NO.: 09/831,334
FILED: January 9, 2002
FOR: ELECTRICALLY CONTROLLED MIRROR FOR A MOTOR
VEHICLE
APPLICANT: ONNO DIRK OENEMA, PAUL WESSEL POST & MARCO
RAYMOND MARIA NIJMEIJER
ART UNIT: 2872
EXAMINER: MARK A. ROBINSON
CONFIRMATION #: 3239

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

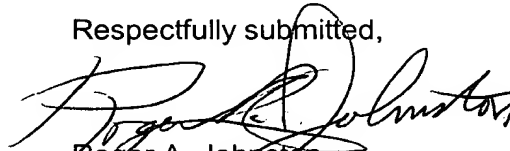
Sir:

TRANSMITTAL OF APPEAL BRIEF
UNDER 37 CFR 1.17f

Transmitted herewith is the Brief (**in triplicate**) for Appellant in the above-identified application.

Please charge the **\$500.00** fee for filing the Brief to **Deposit Account No. 05-0275**. A duplicate copy of this letter is enclosed.

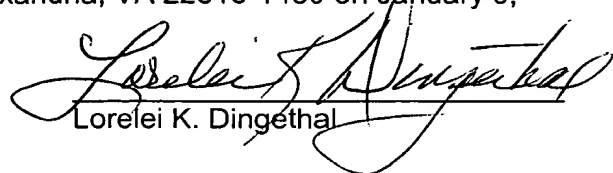
Respectfully submitted,


Roger A. Johnston
Registration No. 25,880
Attorney for Applicants

Eaton Corporation
Eaton Center
1111 Superior Avenue
Cleveland, Ohio 44114
(216) 523-4132

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 5, 2005.


Lorelei K. Dingethal



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Sir:

BRIEF OF APPELLANT UNDER 37 CFR 1.192

REAL PARTY IN INTEREST

Eaton Corporation, as Assignee of the entire interest of the present application, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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Lorelei K. Dingethal

STATUS OF THE CLAIMS

Claims 1 through 26 have been cancelled.

Claims 27 through 31 are pending in the Application and have been finally rejected.

STATUS OF AMENDMENTS

Applicants have filed concurrently herewith an amendment under 37 CFR 1.116, for the purpose of making corrections suggested by the Examiner.

SUMMARY OF THE INVENTION

A base or support 7 upon which is moveably mounted a build up element 1 or housing with a motor 8 for folding or rotating the housing with respect to the support 7.

The mirror actuator 27 is mounted on the housing in a space or hollow 3 for effecting movement of mirror mounting plate 22 with respect to the housing.

The mounting plate 22 for the mirror actuator 27 is secured directly to the housing. A printed circuit board forming part of mounting plate 22 and contains circuitry for controlling the movement of the mirror actuator and the housing on the support and includes circuitry for ancillary functions. The build up element 1 is formed of non-conductive material with reinforcing element inserts molded therein for increasing the rigidity.

ISSUES

Whether claims 27 through 31 are obvious under 35 USC 103(a) over the teachings of the Huizenga '999 reference in view of the teachings of first '823.

GROUPING OF THE CLAIMS

Claims 27 through 30 stand or fall together.

Claim 31 stands alone.

ARGUMENT

Claims 27 through 31 are presented in clean form in the Appendix attached hereto.

In the Final Rejection, the Examiner asserts on page 3 that with regard to the Huizenga patent,

"Huizenga's conductive strips inherently provide increased strength and rigidity of the build up element."

The Examiner's statement is deemed to be arbitrary and wishful thinking in view of the teachings of Huizenga. The primary purpose of the insert molded conductors in the Huizenga '999 patent is set forth in column 6 thereof at lines 54 through 60 wherein it is stated that the purpose of the integral electrical distribution system is to improve reliability as much as the opportunity for miswiring is eliminated. Huizenga clearly describes the insert molding as filling gaps around the electrical leads to prevent entry of debris, water and damage to the conductors due to vibration.

Huizenga teaches that the electrical distribution system, denoted by reference numeral 66, a general reference to the conductive strips such as 74, 70A, 68A, 74A may also comprise conductive resinous material (see column 9, lines 20 – 25). Clearly from the concerns filling gaps around the conductors described in the Huizenga patent, and the material suggested, such as brass, copper and silver, there is no teaching of reinforcing the build-up element.

The Examiner's statement imparts teachings to the reference which are not present. The primary concern of the Huizenga reference is to close the molded material against the conductive strips for providing support for the conductors such as, for example, against vibration. In contradistinction to Applicants' structure, Huizenga is using the molded material to reinforce or strengthen the electrical conductors.

In view of the lack of teaching or suggestion of the Huizenga reference to provide structural reinforcement for the molded resinous material, the Examiner's rejection is held to be unfounded and it is requested that the rejection be not sustained.

Accordingly, it is requested that the Board reverse the Examiner's rejection, enter the amendment under 37 CFR 1.116 and allow the claims to be issued.

Respectfully submitted,



Roger A. Johnston
Registration No. 25,880
Attorney for Applicants

Eaton Corporation
Eaton Center
1111 Superior Avenue
Cleveland, Ohio 44114
(216) 523-4132

APPENDIX

27. An electrically controlled mirror assembly for a motor vehicle comprising:
- (a) a support adapted for mounting on a vehicle;
 - (b) a mirror housing moveably associated with said support comprising a single build-up element formed of non-conductive material with a reinforcing element insert molded therein for increasing the rigidity and strength of the build-up element, said build-up element defining a hollow;
 - (c) a mirror plate moveably associated with the housing;
 - (d) electromechanical means operable upon energization for adjusting said housing relative to said support and for adjusting said mirror plate relative to said housing;
 - (e) means operable upon electrical energization for performing an ancillary function; and,
 - (f) an electronics unit received in said hollow for controlling said energization for said adjusting.
28. The assembly defined in claim 27, wherein said reinforcing elements comprise electrically conductive strips.
29. The assembly defined in claim 27, wherein said electronic unit includes a printed circuit board.
30. The assembly defined in claim 27, wherein said support includes a mounting base having a hollow shaft adapted for having electrical cables pass therethrough.
31. A method of making an electrically controlled mirror for a motor vehicle comprising:
- (a) providing a support;
 - (b) forming a mirror housing comprising a single build-up element of non-conductive material and insert molding therein a reinforcement for increasing rigidity and strength of the build-up element;

- (c) forming a hollow in said build-up element;
- (d) mounting the housing on the support for movement thereon and mounting a mirror on the housing for movement thereon;
- (e) disposing electromechanical drive means on said housing for effecting said movement; and,
- (f) disposing an electronics unit in said hollow for controlling the movement of said mirror housing on said support and the movement of said mirror on said housing.